

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-28 are pending in this application. Claims 1-3, 12, 13, and 20 were objected to for informalities. Claims 1-28 were rejected under 35 U.S.C. § 112, first paragraph. Claims 3, 13, and 22 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 10, and 11 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 6,483,792 to Yamamoto et al. (herein "Yamamoto '792"). Claims 1, 4-5, 8-11, 14-15, 18-20, 23-24, and 26-28 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 6,587,948 to Inazawa et al. (herein "Inazawa"). Claims 1-3 and 11-13 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 6,078,552 to Yamamoto et al. (herein "Yamamoto '552"). Claims 21-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Inazawa in view of Yamamoto '552. Claims 6-7, 16-17, and 25 were noted as allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of their base claim and any intervening claims.

Initially, applicants gratefully acknowledge the indication of the allowable subject matter in claims 6, 7, 16, 17, and 25.

Addressing first the objection to claims 1-3, 12, 13, and 20, each of those claims is amended by the present response as suggested in paragraph 2 of the Office Action to address the objections thereto.

Addressing now the rejection of claims 1-28 under 35 U.S.C. § 112, first paragraph, that rejection is traversed by the present response.

Applicants submit the original specification supports the claim language. More specifically, the claims recite, for example in independent Claim 1, "the pit row or the mark row having a predetermined minimum length to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main

data from being correctly reproduced such that the sub-data is correctly reproduced". That subject matter is believed to be explicitly noted in the specification at the paragraph bridging pages 22 and 23. At that portion of the specification it is indicated that in the case of the compact disk 40 "the audio data which is main data can correctly be reproduced, the disk identifying code which is sub-data can correctly be reproduced".<sup>1</sup> Thus, that noted portion of the specification is believed to clearly set forth the claimed features that the main data can be correctly reproduced such that the sub-data is correctly reproduced.

In such ways, applicants respectfully submit that each of the claims is in full compliance with all requirements under 35 U.S.C. § 112, first paragraph.

Addressing now the rejection of claims 3, 13, and 22 under 35 U.S.C. § 112, second paragraph, that rejection is traversed by the present response.

Each of claims 3, 13, and 22 is amended by the present response as suggested in paragraph 4 of the Office Action, to address the rejections thereto.

Addressing now each of the above-noted prior art rejections based on Yamamoto '792, Inazawa, and Yamamoto '552, each of those rejections is traversed by the present response.

With respect to the rejection of claims 1, 10, and 11 under 35 U.S.C. § 102(e) based on Yamamoto '792, that rejection is traversed by the present response.

Applicants respectfully submit that Yamamoto '792 does not disclose the claimed feature of "the pit row or the mark row having a predetermined minimum length to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main data from being correctly reproduced such that the sub-data is correctly reproduced". To meet such claim limitations the outstanding Office Action cites

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<sup>1</sup> See specifically page 23, lines 2-4.

the teachings in Yamamoto '792 at Figure 6, element G1, column 2, lines 22-29, and column 6, lines 28-38.<sup>2</sup>

In response to that basis for the outstanding rejection, applicants respectfully submit that Yamamoto '792 does not disclose the above-noted claimed feature. More particularly, at column 2, lines 22-69 and column 6, lines 28-38 Yamamoto '792 merely discloses superimposing second information onto a modulation signal so as not to affect detection results of first and second areas. At that portion Yamamoto '792 does not even disclose or suggest addressing a length to which one bit of sub-data is allocated. That is, as noted above, in claims 1, 10, and 11 the pit row or mark row has a predetermined minimum length. Yamamoto '792 does not even address considering a length of a pit row or mark row, but instead is only concerned with properly superimposing an information signal onto a modulation signal.

In such ways, applicants respectfully submit that Yamamoto '792 does not disclose or suggest the above-noted claim feature in each of independent claims 1, 10, and 11, and that thus those claims distinguish over Yamamoto '792.

With respect to the teachings in Inazawa, applicants respectfully submit that Inazawa also fails to teach or suggest the same feature noted above in independent claim 1, and similarly in the other independent claims, that Yamamoto '792 fails to teach or suggest. The basis for the outstanding rejection cites the teachings in Inazawa in Figure 10, element 67, Figure 11I, Figure 15B, and column 10, lines 32-34 and 64-67, to disclose the feature of "the pit row or mark row having a predetermined minimum length to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or mark row will not affect the main data from being correctly reproduced such that the sub-data is correctly

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<sup>2</sup> Office Action of April 26, 2004, page 4, lines 16-21.

reproduced”.<sup>3</sup> However, at the noted teachings in Inazawa at column 10, lines 32-34 and 64-67, Inazawa does not specifically address a pit row or mark row having the noted predetermined length, and at column 10, lines 64-67 Inazawa merely is directed to maintaining a proper pit width.

In such ways, the teachings in Inazawa are not believed to meet the claimed features.

With respect to the rejection based on Yamamoto ‘552, Yamamoto ‘552 is also believed to neither nor suggest the above-noted feature of “the pit row or the mark row having a predetermined minimum length to which one bit of the sub-data is allocated that is long enough such that a local change to the pit row or the mark row will not affect the main data from being correctly reproduced such that the sub-data is correctly reproduced”. In the noted portions in Yamamoto ‘552 at column 2, lines 2-10 and Figure 15, cited in the Office Action to meet the above-noted claim feature,<sup>4</sup> Yamamoto ‘552 does not disclose or suggest having a predetermined minimum length for a pit row or mark row.

In such ways, Yamamoto ‘552 is not believed to fully meet the features of the rejected claims.

In such ways, applicants respectfully submit that none of the cited teachings to Yamamoto ‘792, Inazawa, or Yamamoto ‘552 anticipates the noted claims under 35 U.S.C. § 102.

Further, with respect to the rejection under 35 U.S.C. § 103 over Inazawa in view of Yamamoto ‘552, that rejection is traversed by the present response for similar reasons as noted above. More particularly, deficiencies of Inazawa in view of Yamamoto ‘552 are noted above in detail, and no combinations of teachings therein are believed to render obvious the subject matter of claims 21-22.

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<sup>3</sup> Office Action of April 26, 2004, page 6, lines 16-21.

<sup>4</sup> Office Action of April 26, 2004, page 7, line 24 to page 8, line 8.

Further, applicants wish to make the following statement, as noted in M.P.E.P. § 706.02(I)(2), that the present application U.S. serial no. 09/611,597 and U.S. patent 6,483,792 to Yamamoto, U.S. patent 6,587,949 to Inazawa, and U.S. patent 6,078,552 to Yamamoto were, at the time the invention of the present application was made, all commonly owned by Sony Corporation. Therefore, applicants note that none of Yamamoto '792, Inazawa, and Yamamoto '552 may form a basis of a rejection under 35 U.S.C. § 103.

The above-noted statement is believed to remove each of the references to Yamamoto '792, Inazawa, and Yamamoto '552 as valid references against the pending claims under 35 U.S.C. § 103.

In such ways, each of the art rejections based on Yamamoto '792, Inazawa, and Yamamoto '552 is believed to be obviated by the present response.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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